



2320 FIRST STREET
SUITE 1000
FORT MYERS, FL 33901-2904
239.338.4207 DIRECT
239.337.3850 MAIN
239.337.0970 FAX
bgrady@ralaw.com

April 18, 2003



ZONING COUNTER

Mr. Jon Hagan
Lee County
1500 Monroe Street
Fort Myers, FL 33901

RE: Lighthouse Island Resort DCI2003-00016
Supplement to 4/17/03 Resubmittal – Item 8a6 Access on your letter of 3/31/03

Dear Mr. Hagan:

Regarding the question of the timeframe for the demolition, the owner stated that he plans to demolish that building no later than five (5) years from now but will demolish it earlier if the Town moves ahead to do improvements to Third Street. He agrees to the demolition so that the Town's plans can be implemented earlier than five (5) years.

Very truly yours,

Beverly Grady
Signed electronically to expedite

Beverly Grady
For the Firm

BG/umr

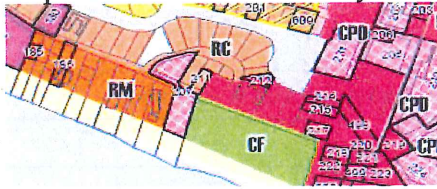
Cc: Tom Kolar

129888_2

Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Town of Fort Myers Beach
Department of Community Development



Zoning Division

Application for Public Hearing

This is the first part of a two-part application. This part requests general information required by the Town of Fort Myers Beach for any request for a public hearing. The second part will address additional information for the specific type of action requested.

| |
|--|
| Project Name: Lighthouse Resort Sign Deviation |
| Authorized Applicant: Lighthouse Resort, Inc. |
| LeePA STRAP Number(s): 24-46-23-W3-00203.014A; .0090; .0190; 0100; 24-46-23-W3-00205.0060 |
| |

| |
|---|
| Current Property Status: |
| Current Zoning: CPD |
| Future Land Use Map (FLUM) Category: Pedestrian Commercial |
| Platted Overlay? ___yes___no FLUM Density Range: |

| Action Requested | Additional Form Required |
|--|--------------------------|
| <input type="checkbox"/> Special Exception | Form PH-A |
| <input type="checkbox"/> Variance | Form PH-B |
| <input type="checkbox"/> Conventional Rezoning | Form PH-C |
| <input checked="" type="checkbox"/> Planned Development | Form PH-D |
| <input type="checkbox"/> Master Concept Plan Extension | Form PH-E |
| <input type="checkbox"/> Appeal of Administrative Action | Form PH-F |
| <input type="checkbox"/> Development of Regional Impact | Schedule Appointment |
| <input checked="" type="checkbox"/> Other (cite LDC section number: <u>30-153</u>) Deviation from Chapter 30 | Attach Explanation |

Town of Fort Myers Beach
Department of Community Development
2523 Estero Boulevard
Fort Myers Beach, FL 33931
(239) 765-0202

PART I – General Information

A. Applicant:

| | | | |
|---|-----------|-----------------|--|
| Name(s): Lighthouse Resort, Inc. c/o Beverly Grady, Roetzel & Andress | | | |
| Address: 2320 Street: First Street | | | |
| City: Fort Myers, Florida 33901 | State: FL | Zip Code: 33901 | |
| Phone: 239-338-4207 | | | |
| Fax: 239-337-0970 | | | |
| E-mail address: bgrady@ralaw.com | | | |

B. Relationship of applicant to property (check appropriate response)

| | |
|---|--|
| <input checked="" type="checkbox"/> Owner (indicate form of ownership below) | |
| <input type="checkbox"/> Individual (or husband/wife) | <input type="checkbox"/> Partnership |
| <input type="checkbox"/> Land Trust | <input type="checkbox"/> Association |
| <input checked="" type="checkbox"/> Corporation | <input type="checkbox"/> Condominium |
| <input type="checkbox"/> Subdivision | <input type="checkbox"/> Timeshare Condo |
| <input checked="" type="checkbox"/> Authorized representative (attach authorization(s) as Exhibit AA-1) | |
| <input type="checkbox"/> Contract Purchaser/vendee (attach authorization(s) as Exhibit AA-2) | |
| <input type="checkbox"/> Town of Fort Myers Beach (Date of Authorization: _____) | |

C. Agent authorized to receive all correspondence:

| | | | |
|--|-----------|-------------------|--|
| Name: Roetzel & Andress, LPA | | | |
| Mailing address: Street: 2320 First Street, Suite 1000 | | | |
| City: Fort Myers | State: FL | Zip Code: 33901 | |
| Contact Person: Beverly Grady, K'Shana J. Haynie | | | |
| Phone: 239.338.4207 | | Fax: 239.337.0970 | |
| E-mail address: bgrady@ralaw.com | | | |

D. Other agents:

| | | | |
|--------------------------|--------|-----------|--|
| Name(s): | | | |
| Mailing address: Street: | | | |
| City: | State: | Zip Code: | |
| Phone: | | Fax: | |
| E-mail address: | | | |

Use additional sheets if necessary, and attach to this page.

PART II – Nature of Request

Requested Action (check applicable actions):

| |
|--|
| <input type="checkbox"/> Special Exception for: |
| <input type="checkbox"/> Variance for: |
| <input type="checkbox"/> Conventional Rezoning from _____ to: |
| <input checked="" type="checkbox"/> Planned Development |
| <input type="checkbox"/> Rezoning (or amendment) from _____ to: |
| <input type="checkbox"/> Extension/reinstatement of Master Concept Plan |
| <input type="checkbox"/> Public Hearing of DRI |
| <input type="checkbox"/> No rezoning required |
| <input type="checkbox"/> Rezoning from _____ to: |
| <input type="checkbox"/> Appeal of Administrative Action |
| <input checked="" type="checkbox"/> Other (explain): Deviation from Chapter 30 |

PART III – Waivers

Waivers from application submittal requirements: Indicate any specific submittal items that have been waived by the Director for the request. Attach copies of the Director's approval(s) as Exhibit 3-1.

| Code Section Number | Describe Item |
|---------------------|---|
| Section 34-202(2) | Boundary survey, certified sketch description |
| Section 34-212 6 | Traffic Impact Statement |
| | |
| | |

PART IV – Property Ownership

| | | | |
|---|--|---------|-----------|
| <input type="checkbox"/> Single owner (individual or husband and wife) | | | |
| Name: | | | |
| Address: | | Street: | |
| City: | | State: | Zip Code: |
| Phone: | | Fax: | |
| E-mail Address: | | | |

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| |
|---|
| [x] Multiple owners (including corporation, partnership, trust, association, condominium, timeshare condominium, or subdivision) |
| Attach Disclosure Form as Exhibit 4-1 |
| Attach list of property owners as Exhibit 4-2 |
| Attach map showing property owners' interests as Exhibit 4-3 if multiple parcels are involved |
| For condominiums, timeshare condominiums, and subdivisions, see instructions. |

PART V – Property Information

A. Legal Description of Subject Property

| | | | | |
|--|-------|-------|--------|------|
| Is the property entirely made up of one or more undivided platted lots officially recorded in the Plat Books of the Public Records of Lee County? | | | | |
| [] Yes [x] No | | | | |
| If yes: | | | | |
| Subdivision name: | | | | |
| Plat Book Number: | Page: | Unit: | Block: | Lot: |
| If no: | | | | |
| Attach a legible copy of the metes and bounds legal description, with accurate bearings and distances for every line, as Exhibit 5-1. The initial point in the description must be related to at least one established identifiable real property corner. Bearings must be referenced to a well-established and monumented line. | | | | |

B. Boundary Survey

| |
|--|
| Attach a Boundary Survey of the property meeting the minimum standards of Chapter 61G17-6 of the Florida Administrative Code, as Exhibit 5-2. A Boundary Survey must bear the raised seal and original signature of a Professional Surveyor and Mapper licensed to practice Surveying and Mapping by the State of Florida. |
|--|

C. STRAP Number(s):

| |
|--|
| 24-46-23-W3-00203.014A; .0090; .0190; 0100; 24-46-23-W3-00205.0060 |
|--|

D Property Dimensions:

| | | | | |
|----------------------|------------|-------------|--------|-------|
| Area: | 72,861 | square feet | 1.672 | acres |
| Width along roadway: | *See Below | feet | Depth: | feet |

Third Street - 137'+/-; Crescent - 75'+/-; San Carlos Blvd/Sky Bridge 446' +/-; Fifth Ave. 200'+.

E. Property Street Address:

| |
|---|
| 1015 5th Avenue, Fort Myers Beach, FL 33931 |
|---|

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Date Received _____
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F. General Location of Property (from Sky Bridge or Big Carlos Pass Bridge):

From Sky Bridge turn left on Estero Boulevard, turn left on Crescent, turn left on 5th Avenue or from Sky Bridge turn right on Estero Blvd., turn right on Old San Carlos Blvd., turn right on 3rd Street, turn right on Crescent, turn right of 5th Ave.

Attach Area Location Map as Exhibit 5-3

G. Property Restrictions (check applicable):

☒ There are no deed restrictions or covenants on this property that affect this request.

☐ Restrictions and/or covenants are attached as Exhibit 5-4

☐ A narrative statement explaining how the deed restrictions and/or covenants may affect the request is attached as Exhibit 5-5.

H. Surrounding property owners:

Attach list of surrounding property owners (within 500 feet) as Exhibit 5-6

Attach two sets of mailing labels as Exhibit 5-7

Attach a map showing the surrounding property owners as Exhibit 5-8

I. Future Land Use Category: (see Comprehensive Plan Future Land Use Map)

☐ Low Density

☐ Marina

☐ Mixed Residential

☐ Recreation

☐ Boulevard

☐ Wetlands

☒ Pedestrian Commercial

☐ Tidal Water

Is the property located within the "Platted Overlay" area on the Future Land Use Map? ☐ Yes ☒ No

J. Zoning: (see official zoning map, as updated by subsequent actions)

☐ RS (Residential Single-family)

☐ CM (Commercial Marina)

☐ RC (Residential Conservation)

☐ CO (Commercial Office)

☐ RM (Residential Multifamily)

☐ CB (Commercial Boulevard)

☐ VILLAGE

☐ SANTINI

☐ SANTOS

☐ DOWNTOWN

☐ IN (Institutional)

☐ RPD (Residential Planned Dev.)

☐ CF (Community Facilities)

☒ CPD (Commercial Planned Dev.)

☐ CR (Commercial Resort)

☐ EC (Environmentally Critical)

☐ BB (Bay Beach)

PART VI – Affidavit

Application Signed by Individual Owner or Authorized Applicant

I, _____, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data, or other supplemental matter attached hereto and made a part of this application are honest and true;
3. I hereby authorize Town staff or their designee(s) to enter upon the property during normal working hours (including Saturdays and Sundays) for purposes reasonably related to the subject matter of this application; and
4. The property will not be transferred, conveyed, sold, or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Signature

Typed or Printed Name

State of _____

County of _____

The foregoing instrument was sworn to (or affirmed) and subscribed

before me this _____ by _____
(date) (name of person under oath or affirmation)

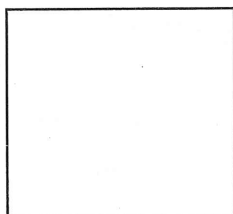
who is personally known to me or produced _____
(type of identification)

as identification.

Signature of person administering oath

Typed or Printed Name

SEAL:



PART VI – Affidavit

**Application Signed by a Corporation, Limited Liability Company (LLC),
Limited Company (LC), Partnership, Limited Partnership, or Trustee**

See attached explanatory notes for instructions

I, Brian Roessler, as General Manager
of Lighthouse Resort, Inc. c/o Beverly Grady, R/c, swear or affirm under oath, that I am
the owner or the authorized representative of the owner(s) of the property and
that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the Town in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data, or other supplemental matter attached hereto and made a part of this application are honest and true;
3. I hereby authorize Town staff or their designee(s) to enter upon the property during normal working hours (including Saturdays and Sundays) for purposes reasonably related to the subject matter of this application; and
4. The property will not be transferred, conveyed, sold, or subdivided unencumbered by the conditions and restrictions imposed by the approved action

Lighthouse Reosrt, Inc.,

Name of Entity (corporation, LLC, partnership, etc

General Manager

Title of Signatory



Signature

Brian Roessler

Typed or Printed Name

State of Florida

County of Lee

The foregoing instrument was sworn to (or affirmed) and subscribed
before me this July 12, 2012 by Brian Roessler

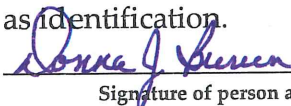
Date

Name of person under oath or affirmation

who is personally known to me or who has produced known personally

Type of identification

as identification.

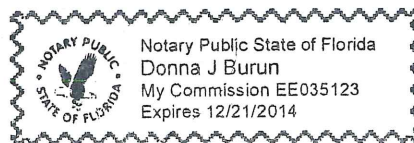
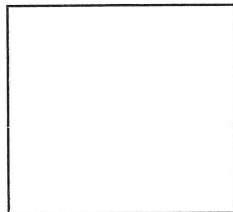


Signature of person administering oath

Donna J Burun

Typed or Printed Name

SEAL:



**EXHIBIT 4-1
 DISCLOSURE OF INTEREST FORM**

STRAP#

Attach additional sheets in the same format for each separate STRAP number in the application if multiple parcels with differing ownership are included.

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

| Name and Address | Percentage |
|------------------|------------|
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2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

| Name, Address, and office | Percentage |
|---|------------|
| Lighthouse Island Resort, Inc. | |
| Thomas F. Kolar, President and Director | |
| Melinda D. Kolar, Director | |
| | |
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Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust and the percentage of interest.

| Name and Address | Percentage |
|------------------|------------|
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4. If the property is in the name of a GENERAL PARTNERSHIP or LIMITED PARTNERSHIP, list the names of the general and limited partners with the percentage of ownership.

| Name and Address | Percentage |
|------------------|------------|
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5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, regardless of whether a Corporation, Trustee, or Partnership is involved, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners, and their percentage of stock.

| Name, Address, and Office (if applicable) | Percentage |
|---|------------|
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Case # _____
Planner _____

Date Received _____
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6. If any contingency clause or contract terms involve additional parties, list all individuals, or officers if a corporation, partnership, or trust.

Name and Address

| |
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For any changes of ownership or changes in contracts for purchase subsequent to the date of the application but prior to the date of final public hearing, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature



Applicant

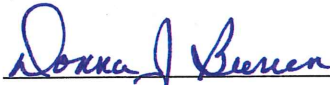
Brian Roessler

Printed or typed name of applicant

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 12th day of July, 2012, by Brian Roessler, who is personally known to me or who has produced known personally as identification and who did (or did not) take an oath.

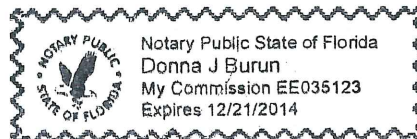
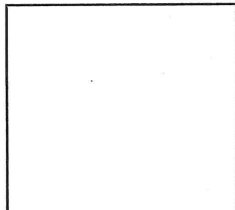


Signature of Notary



Typed or Printed Name of Notary

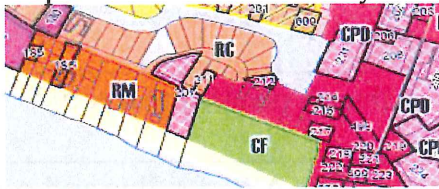
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Case # _____
Planner _____

Date Received _____
Date of Sufficiency/Completeness _____

Town of Fort Myers Beach
Department of Community Development



Zoning Division

Supplement PH-D

**Additional Required Information for a
Planned Development Application**

This is the second part of a two-part application. This part requests specific information for a planned development rezoning or an amendment to an approved planned development. Include this form with the Request for Public Hearing form.

| |
|--|
| Project Name: Lighthouse Resort Sign Deviation |
| Authorized Applicant: Roetzel & Andress, LPA, c/o Beverly Grady |
| LeePA STRAP Number(s): STRAP 24-46-23-W3-00203.014A; 0090; 0190; 0100; 24-46-23-W3-00205.0060 |

| |
|--|
| Current Property Status: |
| Current Zoning: CPD |
| Future Land Use Map (FLUM) Category: Pedestrian Commercial |
| Platted Overlay? __yes <u>X</u> __no FLUM Density Range: |

| |
|---|
| Requested Action: |
| <input type="checkbox"/> DRI (with rezoning) |
| <input checked="" type="checkbox"/> Planned Development (also check below) |
| <input type="checkbox"/> Rezoning from: _____ to: _____ |
| <input type="checkbox"/> Amendment to Master Concept Plan/attendant documentation |

X Deviation from Section 30-153(b) Maximum sign area and location to permit 4 sign (1 on each street) and internal sign for Tiki Bar

PART I
Narrative Statements

A. Comprehensive Plan Amendments (check one)

| |
|--|
| <input checked="" type="checkbox"/> There are NO Comprehensive Plan Amendments pending that could affect the future use of this property. |
| <input type="checkbox"/> The following Comprehensive Plan Amendments ARE pending and could affect the future use of this property (list the amendment and give a brief explanation of its possible effect) |
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B. Phasing of Construction

| |
|---|
| <input checked="" type="checkbox"/> The development is to be constructed in a single phase. (Regarding signs) |
| <input type="checkbox"/> The development is to be constructed in phases as follows: (describe proposed phasing below) |
| |
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Planner _____

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E. Decision-making Compliance

Explain how the proposed development complies with the guidelines for decision-making embodied in LDC Section 34-85.

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|----------------|
| Not Applicable |
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F. Schedule of deviations and written justification

Provide a list of the requested deviations keyed to the Master Concept Plan, and provide a written justification for each deviation. The location of each deviation should be indicated on the Master Concept Plan.

| |
|---------------------------------------|
| See narrative and master concept plan |
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G. Administrative amendments to approved Master Concept Plan

For amendments to an approved Master Concept Plan, indicate the specific amendments that could not be approved administratively as set forth in LDC Section 34-219.

| |
|----------------|
| Not Applicable |
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PART 2
Submittal Requirements

All applications for a planned development must submit fourteen (14) copies of this application form and all applicable exhibits.

Required Items

Public Hearing Request Form
Supplement Form PH-D
Master Concept Plan
Traffic Impact Statement
Architectural Elevations
Schedule of Uses

For DRI: A Binding letter of interpretation from DCA or a complete and sufficient ADA.

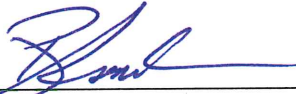
LETTER OF AUTHORIZATION

TO FORT MYERS BEACH COMMUNITY DEVELOPMENT

The undersigned does hereby swear or affirm that it is the authorized applicant of the property known as **STRAP 24-46-23-W3-00203.014A; 24-46-23-W3-00203.0090; 24-46-23-W3-00203.0190; 24-46-23-W3-00203.0100 and 24-46-23-W3-00205.0060** and legally described in Exhibit A hereto.

The undersigned hereby designate **Beverly Grady on behalf of Roetzel and Andress, a Legal Professional Association,** to be the agents designated to receive all Town correspondence and communications concerning application for planned development deviation.

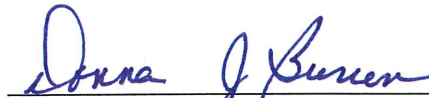
Lighthouse Resort, Inc.



Brian L. Roessler, General Manager

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 12th day of July, 2012, by Brian L. Roessler, who is personally known to me or who has produced known personally as identification and who did (did not) take an oath.



Signature of Notary Public



(Name typed, printed or stamped)

*If more than one owner then all owners must sign. See explanation on back.

**Exhibit 5-5 and
Supplement PH-D
NARRATIVE**

Response to Deviation Criteria

Lighthouse Resort is a 1.72 acre parcel in the heart of downtown Fort Myers Beach. The property has been in the Kolar family as an attractive resort for many decades. The resort has accommodated the construction of the Sky Bridge, the bifurcation of Fourth Street and the institution of the FEMA height requirements. The Resort contributes to the vision of the Downtown of Fort Myers Beach including accomplishing the "park once" concept. People who stay at the Resort, utilize the park "once" and then are able to enjoy the resort amenities as well as the beach, the Bay and the commercial opportunities offered by Times Square and Old San Carlos.

Signage provides an identification of the Resort as well as how to get to the Resort which has a unique location, not on Estero Boulevard or in Times Square or on Old San Carlos.

When one crosses over the Matanzas Pass Bridge, one of the first things you see is the "lighthouse" sign of Lighthouse Resort. Although you can see Lighthouse Resort, figuring out how to get there for the first time is not easy in bumper to bumper traffic or when the traffic is moving along at a smooth pace.

This is a request for a deviation from Section 30-153 (b) for commercial signage to permit the existing commercial free standing business establishment sign on each street frontage to remain for Lighthouse Resort CPD as follows:

- Sign #1 Main Freestanding Identification Sign (15 feet in width x 28 feet in height per sign face)

 Sign – on San Carlos/Estero Boulevard (Sky Bridge Touchdown)
- Sign #2 Freestanding sign with face of 6' x 4' plus vacancy sign - 28 SF located at 5th Avenue entrance to Lighthouse Resort
- Sign #3 Freestanding sign - 6' x 4' sign face at intersection of Crescent and 5th Avenue
- Sign #4 Freestanding sign - 6' x 4' sign face plus vacancy and directional sign to the office on Third Street - 30 SF
- Sign 5 2' x 9' sign for Tiki Bar – mounted under Building – internal to development

Attached is a picture of each sign labeled sign 1, 2, 3, 4 and 5.

Attached is a Master Concept Plan illustrating the location of each sign.

The vast majority of commercial uses within the Town of Fort Myers Beach have street frontage only on a single street. Lighthouse Resort is unique in that it is surrounded by streets. Lighthouse Resort is bordered by Third Street, Crescent Street, Fifth Avenue, and Estero Boulevard/San Carlos Boulevard/Sky Bridge. Due to the unique location, signage is critical for Lighthouse Resort. In the prior sign regulation the Town recognized a certain amount of square footage of sign area per street frontage.

Lighthouse is also unique as compared to most resorts where those resorts simply provide its Estero Boulevard address.

How do you get to Lighthouse Resort? It is not on the main thoroughfare of Estero Boulevard. The main identification sign is critical to knowing where Lighthouse is located. But how does one actually get there by motor vehicle?

There are two routes:

- 1) turn right off the Sky Bridge onto Estero Boulevard; turn right onto Old San Carlos; turn right onto Third Street; to get to the office – continue to turn right on Crescent Street, then turn right on 5th Avenue

OR

- 2) stay on Estero Boulevard as you come off the Sky Bridge; turn left onto Crescent (which is not easy); turn left onto 5th Avenue.

The new regulation limits a commercial parcel to one sign which may be appropriate for commercial businesses on Estero Boulevard or on Old San Carlos. If limited to a single sign at Lighthouse's entrance on 5th Avenue, that is completely insufficient signage as there is no traffic on 5th Avenue unless it is either (1) leaving the island or (2) going to Lighthouse because they already know its location.

Lighthouse appeared at the public hearing when City Council adopted the revised signage regulations and requested relief in the sign regulations. The Town Council recognized the unique position of Lighthouse and declined to amend the ordinance for a unique situation but provided direction to Lighthouse to seek specific relief (a variance/deviation) for this isolated situation.

The Land Development Code recognizes that the general purpose of planned development zoning district is to provide a degree of flexibility for a land owner to propose development of the land in the matter that differs from the specific provisions of the code. The Land Development Code specifically provides in Section 34-93-9-32(b) for deviations "to allow design flexibility in developing land and deviations for specific provisions that this code may be permitted where it can be demonstrated that the intent of the regulations is to protect the health, safety and welfare and the planned development will be enhanced.

The property is unique. The property is completely surrounded by public streets on each side which is extremely unique in the Town of Fort Myers Beach if not the only commercial parcel.

Retaining the existing signage is the minimum relief. Unlike other parcels, almost all of the neighboring properties are across a public street. The neighboring properties are not affected by maintaining the existing signs as they only see one sign on their individual street frontage. The signs have been designed consistent with the Lighthouse island theme and are consistent with the public welfare and not detrimental to the public welfare. In fact, recognizing that this is a coastal resort community with severe traffic issues in the season, it is in the Town's best interest to have signage that gets customers to the location for which they are searching.

During the sign hearing process, it was also confirmed the method of calculating sign area for sign 2, 3 and 4 did not include the peer pilings that support the signs.

Section 30-153 (b) limits the number of signs and the sign area on a parcel.

In addition, we respectfully submit, that in the alternative sign #1, an actual lighthouse design, also qualifies for approval under §30-57 historic designation.

The criteria for designation of historically significant signs were revised by Ordinance 11-01. It permits consideration of five separate criteria, the sign must only meet one of those criteria.

The Lighthouse sign #1 is a local landmark sign that one recognize upon arrival to the island. Also the sign is an outstanding example of the art of sign making through its design as an actual lighthouse and its materials.

We respectfully request that the application be granted to approve the existing five signs as the Lighthouse CPD signage

Sign #5 is an internal sign which does not appear to require a deviation. Staff recommended that the sign be reflected on the MCP.

Attachments: 1) picture of Lighthouse signs: 1,2,3,4, and 5.

2) Master Concept Plan with sign location depicted

3) Additional pictures illustrating the location of signs 2, 3 and 4

COMPOSITE EXHIBIT 3
TO NARRATIVE EXHIBIT 5-5

If one approaches Lighthouse by exiting from the Sky Bridge to the right that vehicle must immediately turn right on Old San Carlos then turn right on Third Street. As one travels along Third Street one would not recognize that they had arrived at the Lighthouse except for the signage depicted by Exhibit A. Exhibit A depicts the Lighthouse sign on Third Street but also note the height of the cars which cars would block the signage if the sign were any lower.

When one comes to Crescent with a stop sign, Sign #4 provides direction to make a right turn on Crescent.

Exhibit B shows the immediate view once a vehicle turns right on Crescent and there is no view of Lighthouse signage. As one drives south on Crescent, Exhibit C depicts the Lighthouse sign #3 at the intersection of Crescent and 5th Avenue. Note the height of the stop sign and the sign. The sign is surrounded by thriving vegetation and is at an appropriate height for driver visibility (like the stop sign). Exhibit D depicts the vegetation, the sign and the water hydrants. Based on sign #3 direction, the driver of the vehicle knows to turn onto Fifth Avenue. Please see Exhibit E which shows the view when one turns onto Fifth Avenue. Sign F also shows the view as one drives down Fifth Avenue which is a curved street. Exhibit G shows that when one is close to the entrance to the office (by Exhibit G) you can fully see the sign and the direction to turn into the office.

In the alternative, if one comes down the Sky Bridge and turns left onto Estero Boulevard one would be required to turn left at Crescent Street. See Exhibit H. Also see Exhibit I as one approaches from Crescent Street to Fifth Avenue. Sign #3 provides the information to make a left turn onto Fifth Avenue. Exhibit J shows the view once the turn is being made from Crescent Street onto Fifth Avenue reflecting that sign #2 the office/entrance is not visible when one makes the initial turn onto Fifth Avenue.

We believe that Composite Exhibit 3 provides additional support for the deviations and reflects the unique facts for a resort where the access is not on a main street.



Ex 3

Sign #4 on Third Street (Note
height of car) Exhibit A



Ex 3

Sign #3 on Crescent (after turn
from Third) Exhibit **B**



Ex 3

Sign #3 on Crescent after turn from
Third (Note height of stop sign)

Exhibit C



Ex 3
Sign #3 on Crescent ready to make
turn on Fifth Avenue –
Exhibit D



Ex 3

Sign #2 Entrance/Office obscured
by Fifth Avenue curve –

Exhibit E



Ex 3

Sign #2 Entrance/Office obscured
by curve and building –
Exhibit F



Ex 3

Sign #2 Entrance/Office –
Exhibit G



E43

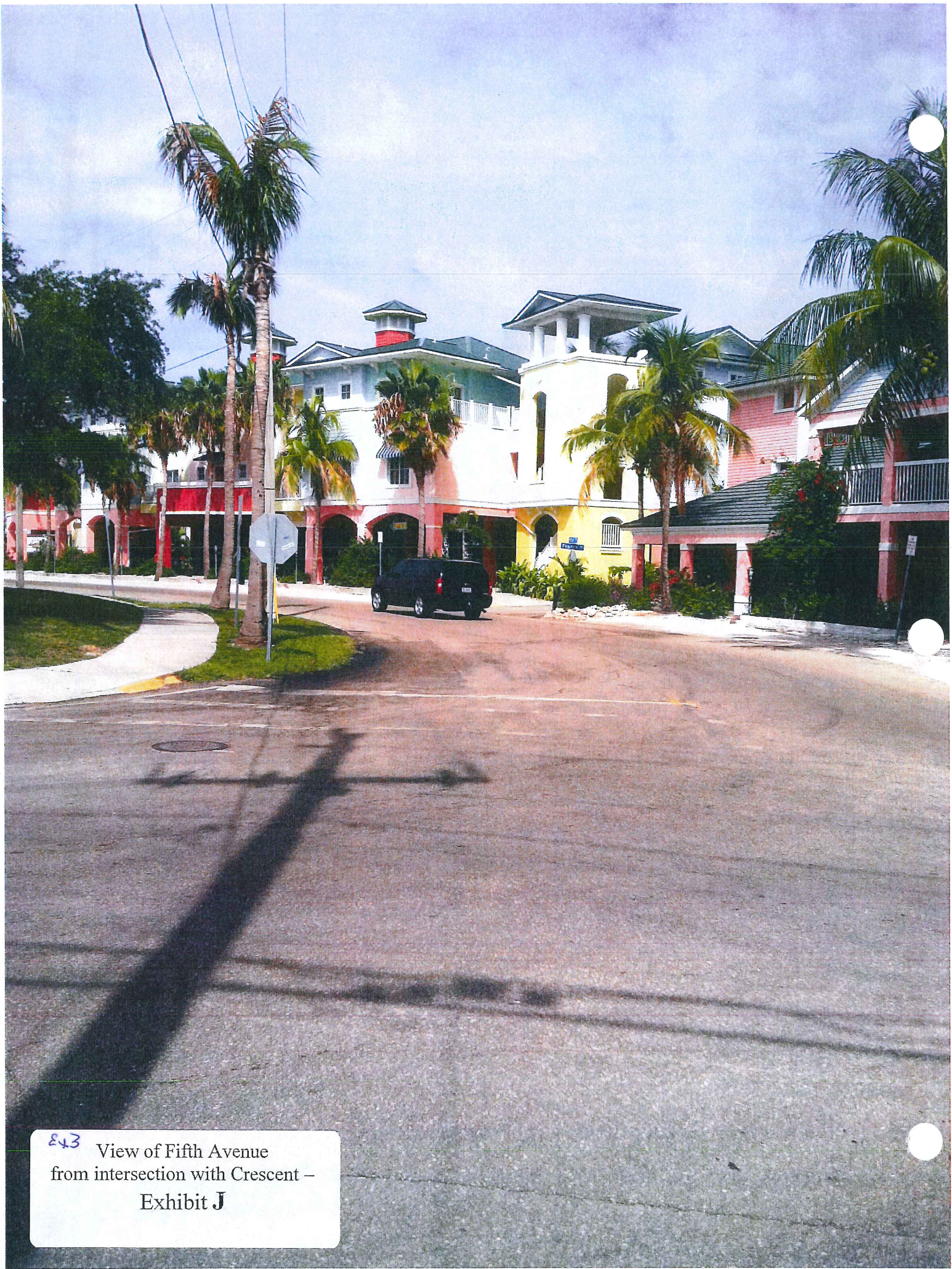
Sign #3 taken from Crescent
intersection with Fifth Avenue –
Exhibit H



Ex 3

Sign #3 taken from Crescent
Avenue to turn onto Fifth Avenue –

Exhibit I



843 View of Fifth Avenue
from intersection with Crescent –
Exhibit J

#1 TAKEN FROM #3 LOCATION



COMPOSITE EXHIBIT 1
TO NARRATIVE

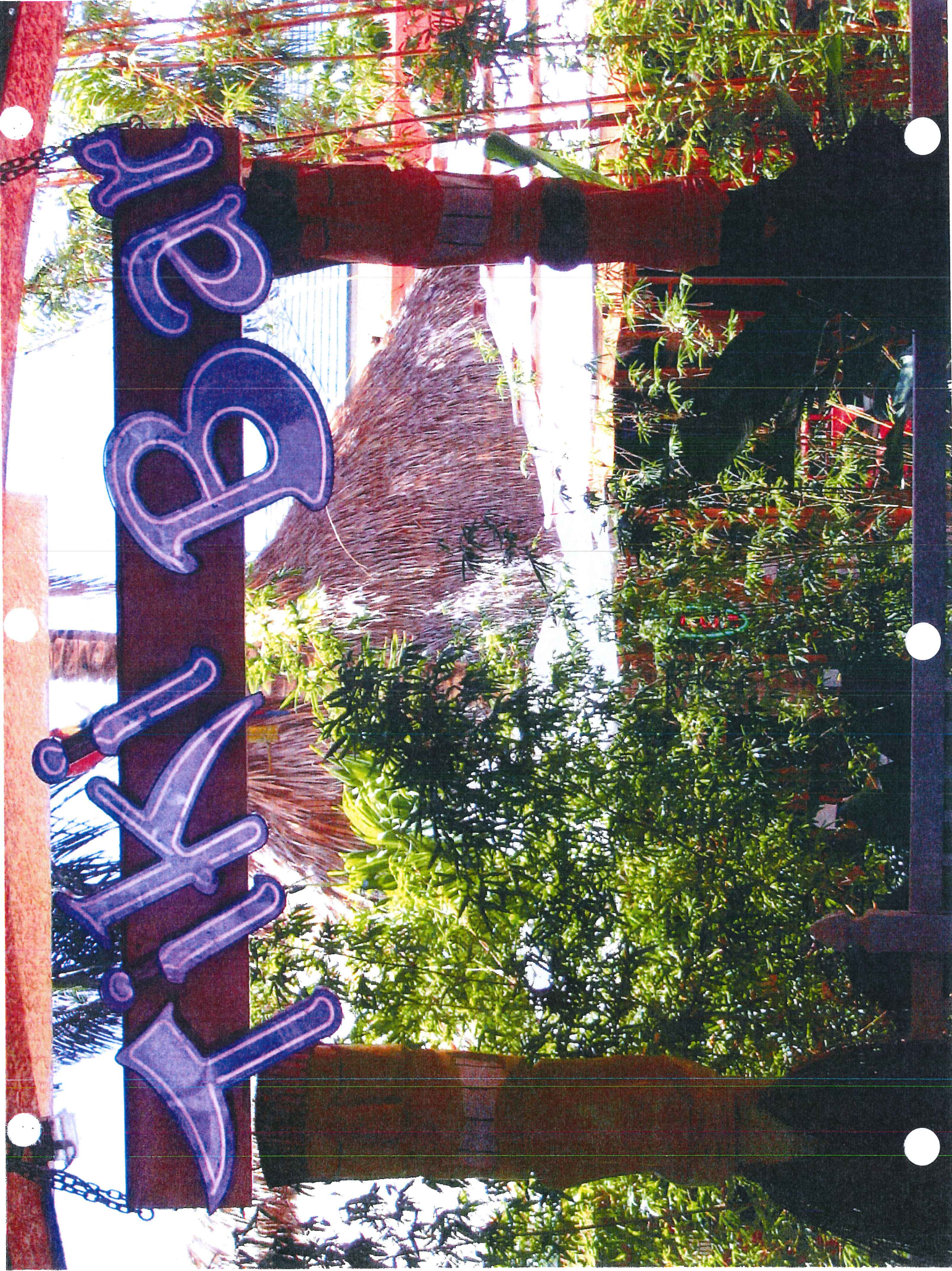








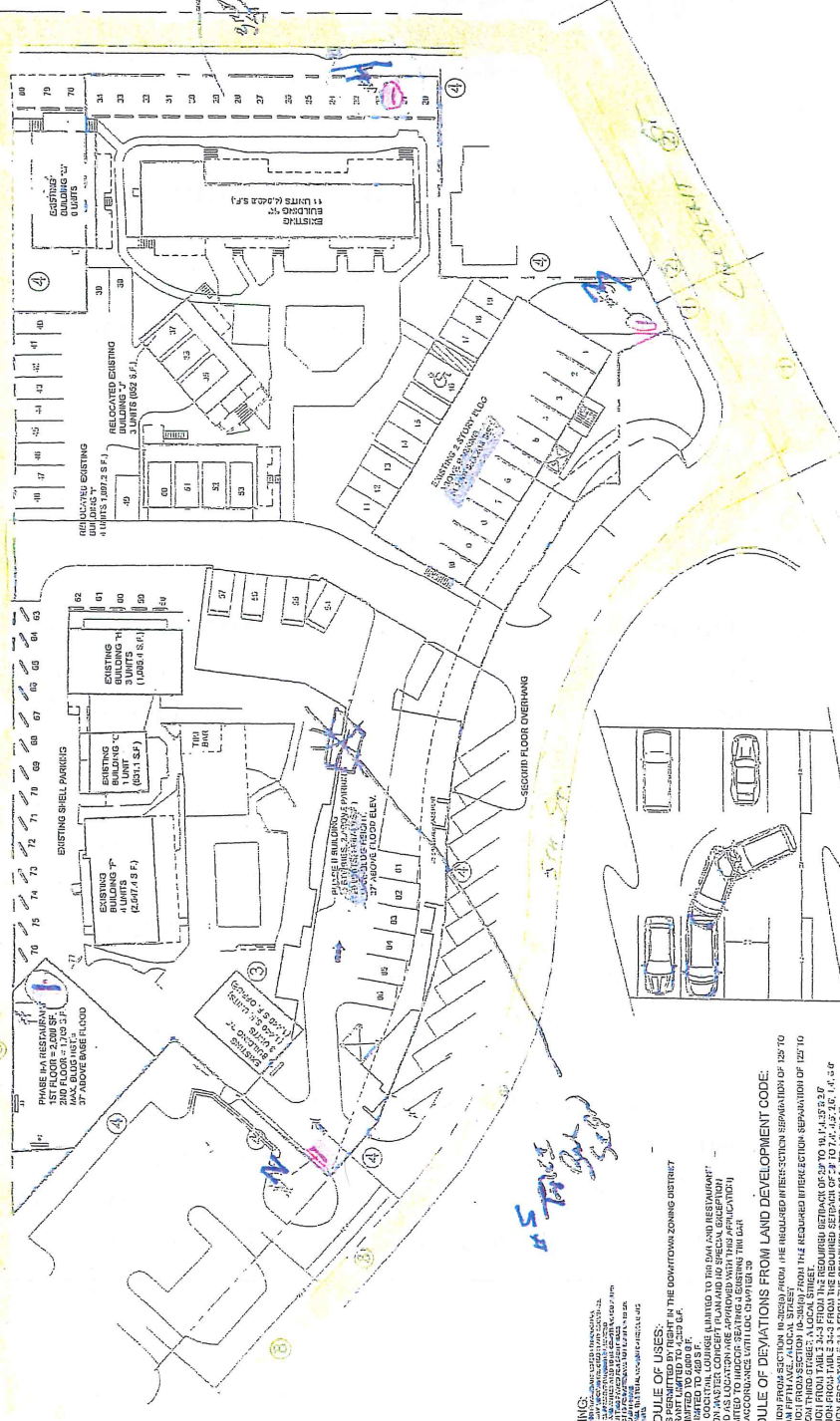
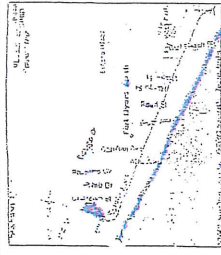
CH



MASTER CONCEPT PLAN (CPD) FOR LIGHTHOUSE ISLAND RESORT PHASE 2

SOILS -
26
FLUCC#
147

SOIL & SITE FLUCC



PHASING:
PHASE 1: 1ST FLOOR - 2,000 S.F.
PHASE 2: 2ND FLOOR - 2,000 S.F.
PHASE 3: 3RD FLOOR - 2,000 S.F.
PHASE 4: 4TH FLOOR - 2,000 S.F.
PHASE 5: 5TH FLOOR - 2,000 S.F.
PHASE 6: 6TH FLOOR - 2,000 S.F.
PHASE 7: 7TH FLOOR - 2,000 S.F.
PHASE 8: 8TH FLOOR - 2,000 S.F.
PHASE 9: 9TH FLOOR - 2,000 S.F.
PHASE 10: 10TH FLOOR - 2,000 S.F.
PHASE 11: 11TH FLOOR - 2,000 S.F.
PHASE 12: 12TH FLOOR - 2,000 S.F.
PHASE 13: 13TH FLOOR - 2,000 S.F.
PHASE 14: 14TH FLOOR - 2,000 S.F.
PHASE 15: 15TH FLOOR - 2,000 S.F.
PHASE 16: 16TH FLOOR - 2,000 S.F.
PHASE 17: 17TH FLOOR - 2,000 S.F.
PHASE 18: 18TH FLOOR - 2,000 S.F.
PHASE 19: 19TH FLOOR - 2,000 S.F.
PHASE 20: 20TH FLOOR - 2,000 S.F.
PHASE 21: 21ST FLOOR - 2,000 S.F.
PHASE 22: 22ND FLOOR - 2,000 S.F.
PHASE 23: 23RD FLOOR - 2,000 S.F.
PHASE 24: 24TH FLOOR - 2,000 S.F.
PHASE 25: 25TH FLOOR - 2,000 S.F.
PHASE 26: 26TH FLOOR - 2,000 S.F.
PHASE 27: 27TH FLOOR - 2,000 S.F.
PHASE 28: 28TH FLOOR - 2,000 S.F.
PHASE 29: 29TH FLOOR - 2,000 S.F.
PHASE 30: 30TH FLOOR - 2,000 S.F.
PHASE 31: 31ST FLOOR - 2,000 S.F.
PHASE 32: 32ND FLOOR - 2,000 S.F.
PHASE 33: 33RD FLOOR - 2,000 S.F.
PHASE 34: 34TH FLOOR - 2,000 S.F.
PHASE 35: 35TH FLOOR - 2,000 S.F.
PHASE 36: 36TH FLOOR - 2,000 S.F.
PHASE 37: 37TH FLOOR - 2,000 S.F.
PHASE 38: 38TH FLOOR - 2,000 S.F.
PHASE 39: 39TH FLOOR - 2,000 S.F.
PHASE 40: 40TH FLOOR - 2,000 S.F.
PHASE 41: 41ST FLOOR - 2,000 S.F.
PHASE 42: 42ND FLOOR - 2,000 S.F.
PHASE 43: 43RD FLOOR - 2,000 S.F.
PHASE 44: 44TH FLOOR - 2,000 S.F.
PHASE 45: 45TH FLOOR - 2,000 S.F.
PHASE 46: 46TH FLOOR - 2,000 S.F.
PHASE 47: 47TH FLOOR - 2,000 S.F.
PHASE 48: 48TH FLOOR - 2,000 S.F.
PHASE 49: 49TH FLOOR - 2,000 S.F.
PHASE 50: 50TH FLOOR - 2,000 S.F.
PHASE 51: 51ST FLOOR - 2,000 S.F.
PHASE 52: 52ND FLOOR - 2,000 S.F.
PHASE 53: 53RD FLOOR - 2,000 S.F.
PHASE 54: 54TH FLOOR - 2,000 S.F.
PHASE 55: 55TH FLOOR - 2,000 S.F.
PHASE 56: 56TH FLOOR - 2,000 S.F.
PHASE 57: 57TH FLOOR - 2,000 S.F.
PHASE 58: 58TH FLOOR - 2,000 S.F.
PHASE 59: 59TH FLOOR - 2,000 S.F.
PHASE 60: 60TH FLOOR - 2,000 S.F.
PHASE 61: 61ST FLOOR - 2,000 S.F.
PHASE 62: 62ND FLOOR - 2,000 S.F.
PHASE 63: 63RD FLOOR - 2,000 S.F.
PHASE 64: 64TH FLOOR - 2,000 S.F.
PHASE 65: 65TH FLOOR - 2,000 S.F.
PHASE 66: 66TH FLOOR - 2,000 S.F.
PHASE 67: 67TH FLOOR - 2,000 S.F.
PHASE 68: 68TH FLOOR - 2,000 S.F.
PHASE 69: 69TH FLOOR - 2,000 S.F.
PHASE 70: 70TH FLOOR - 2,000 S.F.
PHASE 71: 71ST FLOOR - 2,000 S.F.
PHASE 72: 72ND FLOOR - 2,000 S.F.
PHASE 73: 73RD FLOOR - 2,000 S.F.
PHASE 74: 74TH FLOOR - 2,000 S.F.
PHASE 75: 75TH FLOOR - 2,000 S.F.
PHASE 76: 76TH FLOOR - 2,000 S.F.
PHASE 77: 77TH FLOOR - 2,000 S.F.
PHASE 78: 78TH FLOOR - 2,000 S.F.
PHASE 79: 79TH FLOOR - 2,000 S.F.
PHASE 80: 80TH FLOOR - 2,000 S.F.
PHASE 81: 81ST FLOOR - 2,000 S.F.
PHASE 82: 82ND FLOOR - 2,000 S.F.
PHASE 83: 83RD FLOOR - 2,000 S.F.
PHASE 84: 84TH FLOOR - 2,000 S.F.
PHASE 85: 85TH FLOOR - 2,000 S.F.
PHASE 86: 86TH FLOOR - 2,000 S.F.
PHASE 87: 87TH FLOOR - 2,000 S.F.
PHASE 88: 88TH FLOOR - 2,000 S.F.
PHASE 89: 89TH FLOOR - 2,000 S.F.
PHASE 90: 90TH FLOOR - 2,000 S.F.
PHASE 91: 91ST FLOOR - 2,000 S.F.
PHASE 92: 92ND FLOOR - 2,000 S.F.
PHASE 93: 93RD FLOOR - 2,000 S.F.
PHASE 94: 94TH FLOOR - 2,000 S.F.
PHASE 95: 95TH FLOOR - 2,000 S.F.
PHASE 96: 96TH FLOOR - 2,000 S.F.
PHASE 97: 97TH FLOOR - 2,000 S.F.
PHASE 98: 98TH FLOOR - 2,000 S.F.
PHASE 99: 99TH FLOOR - 2,000 S.F.
PHASE 100: 100TH FLOOR - 2,000 S.F.

PARKING MANEUVERABILITY DETAIL
SCALE: 1"=10'

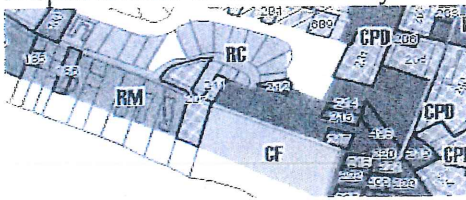
PARKING CALCS: PHASE 2
72 UNITS ABOVE GROUND S.F.
54 UNITS BELOW GROUND S.F.
12 P.S. 188 UNIT BELOW GROUND S.F.
54 ± 12.0 G.A. = 43 SPACES REQUIRED
15 P.S. 188 UNIT ABOVE GROUND S.F.
10 ± 15.0 G.A. = 18 SPACES REQUIRED
TOTAL SPACE REQUIRED FOR PHASE 2: 61 SPACES
61 SPACES REQUIRED FOR PHASE 2 OFFICE
61 SPACES REQUIRED FOR PHASE 2 OFFICE
4,320' L.O.B. = 1.0 G.A. = 20 SPACES REQUIRED
TOTAL PARKING REQUIRED: 81 SPACES
TOTAL PARKING PROVIDED: 81 SPACES
ON-SITE 40 SPACES
OFF-SITE 41 SPACES
NOTE: THE TOTAL NUMBER OF UNITS IN ANY PHASE MAY NOT EXCEED 72 UNITS.

PARKING CALCS: PHASE 2-A
61 SPACES REQUIRED FOR PHASE 2 UNITS
1 SPACE REQUIRED FOR PHASE 2 OFFICE
4,320' L.O.B. = 1.0 G.A. = 20 SPACES REQUIRED
TOTAL PARKING REQUIRED: 81 SPACES
TOTAL PARKING PROVIDED: 81 SPACES
ON-SITE 40 SPACES
OFF-SITE 41 SPACES
NOTE: THE TOTAL NUMBER OF UNITS IN ANY PHASE MAY NOT EXCEED 72 UNITS.

RECEIVED
JUN 21 2001
COMMUNITY DEVELOPMENT
REVISED: 8-16-2003 EXHIBIT IV-K
REVISED: 8-16-2003 EXHIBIT IV-K

EXHIBIT 2 TO
NARRATIVE

Town of Fort Myers Beach
Department of Community Development



Zoning Division

Application for Waiver of Submittal Requirements

Submit a request for waiver of submittal requirements prior to submitting an application for public hearing or administrative action. Requesting a waiver of submittal requirements simultaneously with an application may delay your application. The request and the director's response will become part of the application file.

Waiver is requested for items required for:

Public Hearing

- ☐ General Requirements
- ☐ DRI
- ☒ Planned Development
- ☐ Conventional Rezoning
- ☐ Special Exception
- ☐ Variance
- ☐ Appeal
- ☒ Other Deviation Chapter 30

Administrative Action

- ☐ General Requirements
- ☐ Planned Dev. Amendment
- ☐ Commercial Antenna
- ☐ Consumption on Premises
- ☐ Forced Relocation of a Business
- ☐ Interpretation of LDC
- ☐ Minimum Use Determination
- ☐ Setback Variance
- ☐ Other

Name of Project: Lighthouse Resort Sign

Applicant: Roetzel & Andress, LPA, c/o Beverly Grady, K'Shana J. Haynie

LeePA STRAP Number(s): 24-46-23-W3-00203.014A; .0090; .0190; 0100; 24-46-23-W3-00205.0060

Street address: 2320 First Street, Suite 1000, Fort Myers, FL 33901

Phone Number: 239.338.4207

E-mail: bgrady@ralaw.com

Specific requirements from which waiver is sought

| Section Number | Requirement |
|-------------------|---|
| Section 34-202(2) | Boundary survey, certified sketch description |
| Section 34-212 6 | Traffic Impact Statement |
| | |
| | |
| | |

Scope of project and reasons for request

Explain the nature of the project and give reasons why you think specific requirements are inapplicable or otherwise should be waived.

| |
|---|
| Lighthouse Resort, the legal description and survey for Lighthouse Resort has |
| been provided to the Town in the original CPD application and in the rezoning in June, 2003 to |
| CPD as well as in development orders issued by the Town. There is no change to the boundary |
| of Lighthouse Resort. Therefore, there is no need to obtain an updated survey. The signs which |
| are being requested to be approved are in existence and are shown on a site plan submitted with |
| the application |
| <input type="checkbox"/> There is no traffic impact associated with the requested sign deviation. |
| |
| |
| |

I hereby state that the information provided above is accurate to the best of my knowledge. I recognize that if my project changes from what is described above approval of this waiver request may no longer be valid.

Signature Beverly Grady

7-2-2012
 Date

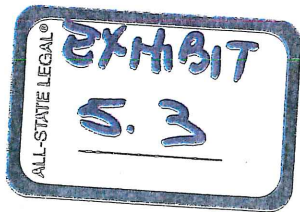
Director's Decision ☐ Approved ☐ Denied

Comments:

| |
|--|
| |
| |
| |

Signature

Date



**TOWN OF
FORT MYERS BEACH**

JUN - 3 2013

RECEIVED BY

May 30, 2013

2320 First Street
Suite 1000
Fort Myers, FL 33901
DIRECT DIAL 239.338.4207
PHONE 239.337.3850 FAX 239.337.0970
bgrady@ralaw.com

WWW.RALAW.COM

Mr. Joshua R. Overmyer
Town of Fort Myers Beach
2523 Estero Boulevard
Fort Myers Beach, FL 33931

VIA E-MAIL (josh@fortmyersbeachfl.gov)
and REGULAR U. S. MAIL

RE: Your email inquiry on Lighthouse sign on Lot 14

Dear Mr. Overmyer:

We have reviewed the records and obtained from Lee County the Town Council approved Master Concept Plan dated June 19, 2003, which is enclosed. This was the Master Concept Plan approved by the Town Council and this sheet shows the location of the approved signage. The sign at the intersection of 5th Avenue and Crescent is located on Lot 14. Since this is the Master Concept Plan approved by the Town Council, we respectfully submit that the existing signage locations are approved.

Very truly yours,

ROETZEL & ANDRESS, LPA

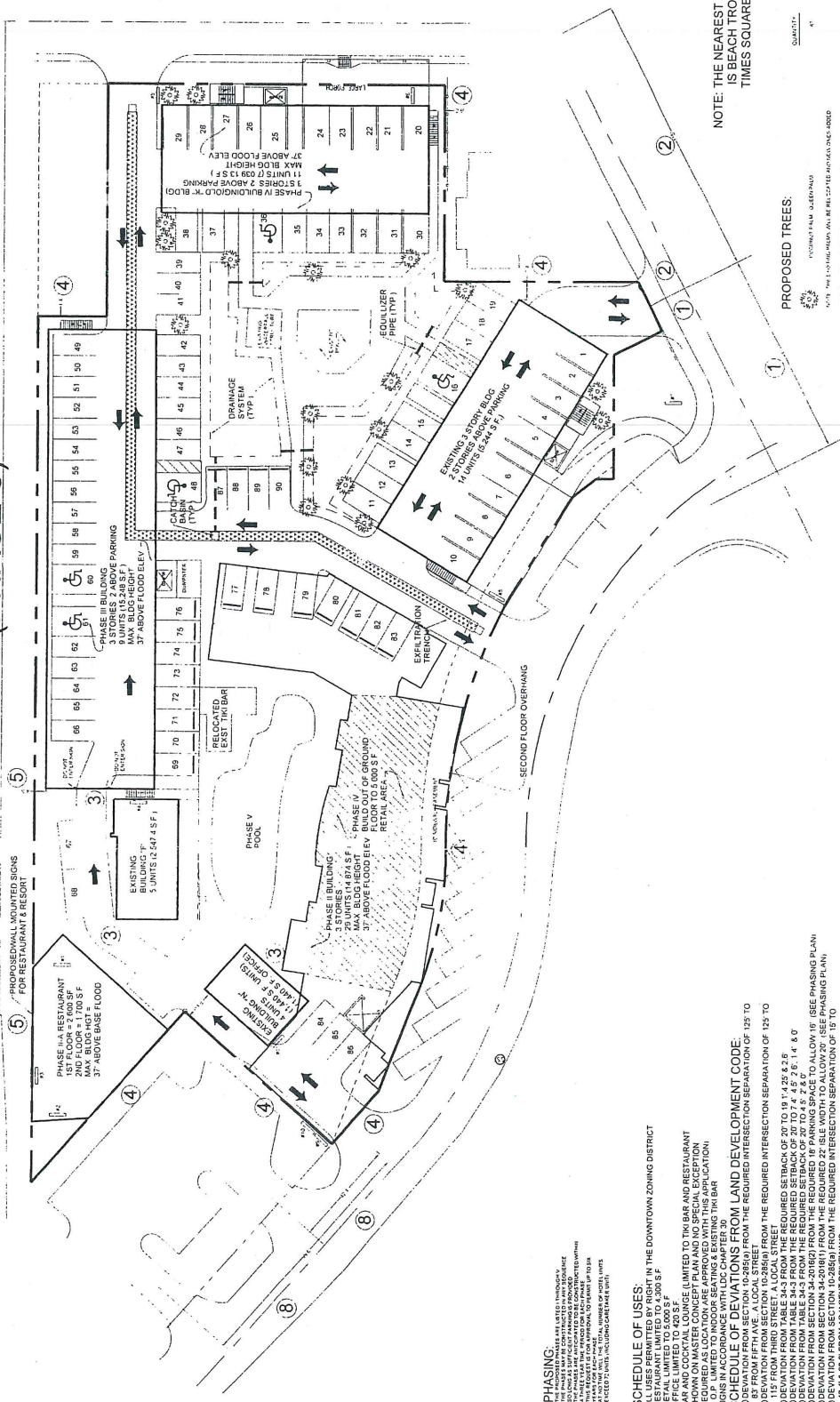


Beverly Grady

Enclosure

cc: Tom Kolar
Brian Roessler

SOIL & SITE F.L.U.C.C.



THE PROPOSED PHASES ARE LISTED THROUGHOUT THE PHASES MAY BE CONSTRUCTED IN ANY SEQUENCE SO LONG AS SUFFICIENT PARKING IS PROVIDED. THE PHASES ARE ANTICIPATED TO BE CONSTRUCTED WITHIN A THREE YEAR TIME PERIOD FOR EACH PHASE. A WRITTEN REQUEST IS FOR APPROVAL TO PERMIT UP TO SIX YEARS FOR EACH PHASE. AT NO TIME WILL THE TOTAL NUMBER OF HOTEL UNITS

BAR AND COCKTAIL LOUNGE (LIMITED TO TIKI BAR AND RESTAURANT
SHOWN ON MASTER CONCEPT PLAN AND NO SPECIAL EXCEPTION
REQUIRED AS LOCATION ARE APPROVED WITH THIS APPLICATION)

DEVIATION FROM SECTION 10-285(a) FROM THE REQUIRED INTERSECTION SEPARATION OF 125' TO

115' FROM THIRD STREET, A LOCAL STREET

DEVIATION FROM TABLE 34-3 FROM THE REQUIRED SETBACK OF 20' TO 4' 5' 2' & 0'

DEVIATION FROM SECTION 10-285(a) FROM THE REQUIRED INTERSECTION SEPARATION OF 15' TO

F.A.R. TO EXCEED THE TOTAL 66,852 S.F. OF RESIDENTIAL & COMMERCIAL USES TO THE EXTENT N

NOTE: THE NEAREST PUBLIC TRANSIT STOP IS BEACH TROLLEY STOP #2 IN TIMES SQUARE.

PROPOSED TREES:

017603370 MTHF 67607230

0300P SONG W/TH OUT TAKE FROM THE W/TH CHINA 1 and 2

THE CITY IS CURRENTLY REVEALING THE EXISTING AND PROPOSED SPACES AND FORMS OF THE CITY.

REVISÉD: 6-19-2003
EXHIBIT IV-I
EXHIBIT IV-K

.....

ROETZEL & ANDRESS
A LEGAL PROFESSIONAL ASSOCIATION

2320 FIRST STREET
SUITE 1000
FORT MYERS, FL 33901-2904
239.338.4207 DIRECT
239.337.3850 MAIN
239.337.0970 FAX
bgrady@ralaw.com
www.ralaw.com

March 20, 2013

Mr. Joshua R. Overmyer
Town of Fort Myers Beach
2523 Estero Boulevard
Fort Myers Beach, Florida 33931

VIA OVERNIGHT DELIVERY

RE: Lighthouse Island Resort / Sign Deviation Request Resubmittal
DCI2012-0003

Dear Mr. Overmyer:

In response to your recent request for additional information, please find enclosed:

1. Revised Master Concept Plan 24 x 36; 2 copies.
2. Revised Master Concept Plan 11 x 17; 14 copies.
3. Sign Detail "A"; 14 copies.
4. Sign Detail "E"; 14 copies.

Very truly yours,

ROETZEL & ANDRESS

Beverly Grady

Beverly Grady
signed electronically

BG/cl
Enclosures

